

# HOUSE OF LORDS.

MARY MANDEVILLE in Error,  
PLAINTIFF.  
ROBERT LACKEY, Lessee of  
the Right Honourable Henry  
Thomas, Earl of Carrick, and  
also Lessee of John Cronyn,  
DEFENDANT.

COPY of the WRIT of ERROR, of the 3d  
Day of February, 1795, and the whole Record as  
sent up from the Court of King's Bench; the  
Plaintiff's Assignment of Errors, and the Defendant's  
Joinder in Error, as now before Parliament.

Writ of Error tested 3d  
February, 1795.

GEORGE the Third by the Grace of God, of Great Britain, France and Ireland,  
King, Defender of the Faith and so forth. To our Justices assigned to hold Pleas  
before us in our said Kingdom of Ireland, Greeting; Because, in the Record and Proceedings,  
and also of the rendering of a Judgment of a Plea, which was in our Court before us  
in Michaelmas Term, in the Thirtieth Year of our Reign, by our Writ between  
Robert Lackey, Lessee of the Right Honourable Henry Thomas Earl of Carrick, and also  
Lessee of John Cronyn and Mary Mandeville, of a Plea of Trespass and Ejectment of a  
Farm, as it is said manifest Error hath intervened, to the great Damage of the said  
Mary Mandeville, as by her complaint we are informed, we willing that the said Error,  
if any, be duly amended and full and speedy justice done to the said parties in this  
behalf, do command you that if Judgment be given thereupon, then the record and  
process of the said plaint with all things touching the same, and this writ, you send to  
us in our present Parliament, immediately after sight or receipt hereof, distinctly and  
plainly under your Seal, to the end that the record and proceedings aforesaid being  
inspected, we may further cause to be done therein with the assent of the Lords Spiritual  
and Temporal in the same Parliament being to correct said error, what of right and  
according to the law and custom of our said Kingdom of Ireland will be meet to be done.  
WITNESS our right trusty and right well beloved cousin and counsellor William Earl  
Fitzwilliam, our Lieutenant General and General Governor of our Kingdom of Ireland,  
at Dublin, the third day of February, in the thirty-fifth Year of our Reign.

T. O'BRIEN, Attorney. Received 9th February, 1795. HAMILTON. HAMILTON.

Allowed.

CLONMELL.

TANKERVILLE CHAMBERLAIN.

ROBERT BOYD.

WILLIAM DOWNES.

Return.

WE humbly send to the Lord the King, in his present Parliament, the record and  
proceedings within specified, with all things relating thereto, as by the within writ we  
are commanded.

CLONMELL, (Seal.)

ROBERT BOYD, (Seal.)

WILLIAM DOWNES, (Seal.)

TANKERVILLE CHAMBERLAIN, (Seal.)



P L E A S

## P L E A S,

BEFORE the Lord the King, at the King's Courts, of Hilary Term in the thirty-first Year of the Reign of our Sovereign Lord George the Third, by the Grace of God of Great-Britain, France and Ireland, King, Defender of the Faith, and soforth. Witness John Viscount Clonmell.

H. and R. CONWAY.

Declaration in ejectment  
filed 17th day of February,  
1791.

COUNTY of KILKENNY, to wit, BE IT REMEMBERED, that on Monday next after the octave of Saint Hilary, in this same term, came before the Lord the King, at the King's Courts, Robert Lackey by John Greene his Attorney, and brought into the Court of the said Lord the King, then there, his bill against Mary Mandeville, in the custody of the marshal and soforth, of a plea of trespass and ejectment of a farm, and there are pledges to prosecute John Doe and Richard Roe, which bill follows in these words, County of Kilkenny, to wit, Robert Lackey complains of Mary Mandeville, in the custody of the marshal of the marshalsea of our Sovereign Lord the King, before the King himself, being of a plea of trespass and ejectment of a farm, for that whereas the Right Honourable Henry Thomas Earl of Carrick, on the third day of January in the year of our Lord one thousand seven hundred and ninety-one, at Callan in the county of Kilkenny, did demise, grant and to farm-let unto the said Robert Lackey, one undivided third part, the whole into three equal parts to be divided, of forty messuages, forty cottages, forty gardens, five mills, five pidgeon-houses, three hundred acres of arable land, three hundred acres of meadow, three hundred acres of wood and underwood, one hundred acres of furze and heath, and one hundred acres of moor and marsh, with the appurtenances, in all that and those, the towns and lands of Courtnaboully, otherwise Courtnaboly, otherwise Court-neboely, Mallardstown, otherwise called Butler's part of Mallardstown, and several houses, gardens, lands, cabbins and plots of ground, in the town and liberties of Callan, otherwise called the Burgagery lands, situate, lying and being in the county of Kilkenny aforesaid, to have and to hold all singular the said demised premises, with the appurtenances, to the said Robert Lackey, his executors, administrators and assigns, from the said third day of January in the year of our Lord aforesaid, for and during the term, time and space of seven years next ensuing, and from thenceforth fully to be compleated and ended; and also for that whereas John Cronyn, on third day of January in the year of our Lord aforesaid, at Callan aforesaid, in the county of Kilkenny aforesaid, had demise, granted and to farm-let to the said Robert Lackey the said premises, with the appurtenances, to have and to hold all and singular the said demised premises, with the appurtenances, to the said Robert Lackey, his executors, administrators and assigns, from the said third day of January in the year of our Lord aforesaid, for and during the term, time and space of seven years next ensuing, and from thenceforth fully to be compleated and ended, by virtue of which said several demises, the aforesaid Robert Lackey, afterwards, to wit, on the fourth day of January in the year of our Lord aforesaid, entered into the said demised premises and was thereof possessed, until she the said Mary Mandeville afterwards, to wit, on the fifth day of January in the year of our Lord aforesaid, into the said demised premises with the appurtenances, in form aforesaid demised, with force and arms to wit, with swords, clubs and soforth, in and upon the quiet and peaceable possession of the said Robert Lackey thereof entered and ejected, drove out and removed him the said Robert Lackey from the possession of his said farm, his said terms therein not being then expired, and the said Robert Lackey being so ejected, drove out and removed from his possession thereof, with-held and still doth with-hold, and then and there brought other injuries upon him, against the peace of our said Lord the King, and to the damage of the said Robert Lackey of one hundred pounds sterling, and thereupon the said Robert Lackey brings his suit and soforth.

Plea not guilty.

AND the said Mary Mandeville by Samuel Aickin her Attorney, comes and defends the force and injury when and soforth, and saith she is not guilty of the trespass and ejectment of a farm in manner and form as the said Robert Lackey above against her complains, and of this she puts herself upon the country, and the said Robert Lackey doth likewise, and soforth.

Award of Venire.

THEREFORE let a jury thereupon come before the Lord the King, at the King's Courts on Saturday next after the octave of the purification of the blessed Virgin Mary, by whom and soforth, and who neither and soforth, to recognize and soforth, because as well and soforth, the same day is given to the parties aforesaid then, there and soforth.

COUNTY.

Continuance.

COUNTY OF KILKENNY, to wit. THE jury between Robert Lackey, plaintiff, and Mary Mandeville, defendant, of a plea of trespass and ejectment of a farm, is respited before the Lord the King, at the King's Courts, until Wednesday next after fifteen days from the feast of Easter from thence next ensuing, or before the justices of the Lord the King, assigned to hold the assizes in and for the county of Kilkenny aforesaid, if they shall come before according to the form of the statute and soforth, on Wednesday the twentieth day of April, at Grace's Old Castle in and for said county of Kilkenny, for the default of the jury because they did not appear.

THEREFORE let the Sheriff of the county of Kilkenny have their bodies there and soforth, the same day is given to the parties aforesaid then there to appear and soforth.

Postea.

AFTERWARDS, on the day and at the place within contained, before the Honourable Sir Samuel Bradstreet, Baronet, one of the justices of the Lord the King assigned to hold pleas before the King himself, and the Honourable Alexander Crookshank, one of the justices of the Bench of the said Lord the King, justices of the said Lord the King assigned to take the assizes in and for the county of Kilkenny, by form of the statute and soforth, cometh as well the said Robert Lackey as the said Mary Mandeville, by their Attornies within named, and the jurors of that jury having been summoned likewise came, to wit, William Goslin, Edward Ryan, Francis Shearman, John Nixon, Abraham Prim, John Lanagan, Garrett Nevill, William Lanagan, Clayton Bayly, Joseph Phillips, Denis Corrick, and Walter Mathews, who being chosen, tried and sworn to declare the truth of the issue within contained, upon their oaths say, that James Butler, late of Callan in the county of Kilkenny, Gentleman, deceased, was, in and before the year one thousand seven hundred and eighty-one, seized in his demesne as of fee of one undivided third part, the whole into three equal parts to be divided, of and in all that and those the towns, lands and tenements in the declaration mentioned, and that being so seized, he did before his death to wit, on the third day of November one thousand seven hundred and eighty-one, duly make, sign, seal, and publish his last will and testament in writing, in the presence of three credible subscribing witnesses, who in his presence and in presence of each other subscribed their names as witnesses thereto, and which said last will and testament is in the words and figures following, to wit.

Special verdict,  
finds seisin in fee of James Butler deceased, in and previous to 1781, of one undivided third part of the premises in the declaration.

James being so seized, the 3d Nov. 1781, duly made and published his will.

Will of James Butler.

" IN THE NAME OF GOD, AMEN. I James Butler, of Callan in the county of Kilkenny, Esquire, being sick of body but of sound and disposing mind, memory, will and understanding, do make this my last will and testament in writing, revoking and annulling all and every will and wills heretofore by me made, and this and only this to be taken as my last will and testament. I bequeath my soul to God, hoping that through the death and passion of my Lord and Saviour Jesus Christ to obtain remission of my sins if ever-lasting, which I pray God grant, Amen. As to my worldly substance of what kind and nature whatever that I am now entitled to, or at any time hereafter may be entitled to, or that can be recovered by my representatives, whether real or personal, I give, leave, and bequeath unto my nephew Edmond Mandeville of Callan in the county of Kilkenny, Gentleman, during his life only, subject and liable to the keeping, dieting, cloathing, lodging and maintaining of my two sisters Catherine and Anne Butler, now living with me in Callan, and if any disagreement should happen that they could not agree, my will and desire is, that they might then have and be paid the sum of twenty-five pounds sterling each yearly during their natural lives or the longest liver of them, together with two beds and the cloathing and hangings thereof, and furniture of two rooms in my said house in Callan aforesaid. I also leave and bequeath unto Mary Power, daughter of John Power and Alice Power otherwise Mandeville his wife, the sum of three hundred pounds, to be paid her in about six years time, and set out for use, and in case the said Mary Power should die before she arrives to the age of eighteen years, the said three hundred pounds to be divided amongst the rest of the children of the said John Power and Alice his wife, and if no such, said Alice Power to receive the interest of the same during her life, and after her decease to the lawful issue of the said Edmond Mandeville. My will is, that as soon as it can be reasonably be done, that one hundred pounds sterling be paid to Thomas Hackett, of the city of Dublin, Attorney, at twenty-five pounds per year, until the whole is paid. I desire that all my just and legal debts to be paid, which are but very inconsiderable, and in a paper hereunto annexed. My will is, that twenty guineas be paid some reasonable time after my death to Laurence Hackett, of Sportsville in the county of Kilkenny, Gentleman. And upon the said Edmond Mandeville's performing and observing strictly and truly without any trouble or confusion all the aforesaid covenants, conditions and agreements, I then leave and bequeath to him as before mentioned, all my real estates in the county of Tipperary and county of Kilkenny, to him during his life only, and from and after the determination of that estate, to the said Edmond Mandeville's lawful issue male and the lawful issue male of such heirs, the eldest always of such sons of the said Edmond Mandeville to be always preferred before the youngest according to their seniority in age and priority in birth, and for want of such lawful issue male in the said Edmond Mandeville, to the Right Honourable Lord Carrick and his lawful issue male, subject and liable to the sum of three hundred pounds sterling, to be paid to the issue of the said John Power and Alice Power otherwise Mandeville; and if no such issue, to the said John Power and  
" Alice

" Alice his wife, or the longest liver of them, and from and after the determination of the  
 " said estates to the use of the Right Honourable John Scott, Esquire, and after his decease  
 " to the use of his lawful issue male, the eldest always taking place of the youngest; who is  
 " very well acquainted with the nature and circumstances of the above estates, and will not  
 " suffer wrong to be done to those in remainder before him. I desire that Betty Gofs may  
 " have the run of the house as usual, and be paid forty shillings yearly during her life.  
 " And I do appoint and constitute the said Edmond Mandeville as sole executor. In  
 " Witness whereof, I hereunto fix my hand and seal this third day of November 1781  
 " eighty-one. I desire to be buried in Callan in the most private manner.

" JAMES BUTLER. (Seal)

" Signed, sealed and published by the testator in our presence, who have subscribed our  
 " names in his presence and in the presence of each other. T. Butler. Michael Dwyer.  
 " Laurence Hackett."

Death of James Butler  
 20th Nov. 1781, un-  
 married and without issue.

By virtue of said will,  
 Edmond Mandeville en-  
 tered and became seised  
 of said one undivided  
 third of said premises.

Edmond being so seised  
 11th January, 1788, by  
 deed sold said undivided  
 third part to Samuel Aickin  
 for one year,

With intent that Aickin  
 might take a release of the  
 reversion during the life of  
 Edmond.

By virtue thereof and  
 by force of the statute,  
 Samuel Aickin became  
 possessed.

And the said Aickin  
 being so possessed, the  
 said Edmond on 12th of  
 January, 1788, released  
 and confirmed to said  
 Aickin the premises in the  
 declaration.

To hold said premises  
 for the life of said Edmond  
 with intent that said  
 Aickin should be tenant  
 to the freehold,

For the purpose of  
 suffering a recovery.

Agreed between the  
 parties to said last men-  
 tioned deed that the reco-  
 very or other assurances,  
 should enure to the sole  
 use of said Edmond, his  
 heirs and assigns for ever.

AND the said jurors upon their said oaths further say, that afterwards to wit, on the  
 twentieth day of said month of November one thousand seven hundred and eighty-one, the  
 said James Butler died seised as aforesaid, unmarried and without issue, and without  
 altering or revoking his said last will and testament, and that afterwards the said Edmond  
 Mandeville by virtue of and under the aforesaid last will and testament entered into and  
 became seised of said one undivided third part of said towns, lands and premises as the  
 law requires.

AND the jurors aforesaid upon their oaths further say, that the said Edmond Mandeville  
 being so seised as aforesaid, he the said Edmond Mandeville on the eleventh day of  
 January in the year of our Lord one thousand seven hundred and eighty-eight, by a  
 certain indenture then made between him the said Edmond Mandeville, by the name  
 and description of Edmond Mandeville, late of Callan in the County of Kilkenny, but  
 then of the City of Waterford, Gentleman, of the first part, and Samuel Aickin by the  
 name and description of Samuel Aickin of the City of Dublin, Gentleman, of the other part,  
 and to the said jurors also in evidence shewn, for and in consideration of five shillings  
 sterling to the said Edmond Mandeville by the said Samuel Aickin in hand paid,  
 bargained and sold unto the said Samuel Aickin the said one undivided third part,  
 the whole into three equal parts to be divided, of and in all that and those the said  
 towns, lands and tenements in the declaration mentioned; to have and to hold from  
 the day next before the day of the date of the same indenture, for and during and unto  
 the full end and term of one whole year, from thence next following, and fully to be  
 compleated and ended, to the intent that by virtue thereof, and by force of the  
 statute for transferring uses into possession, the said Samuel Aickin might be in the actual  
 possession thereof, and enabled to take a grant and release of the reversion thereof to  
 him and his assigns, during the life of him the said Edmond Mandeville, and that by  
 virtue thereof and by force of the statute for transferring uses into possession, the said  
 Samuel Aickin became possessed of the lands and tenements aforesaid, for the term  
 aforesaid, and that being so thereof possessed, and the said Edmond Mandeville being seised  
 of the reversion thereof as the law requireth, afterwards to wit, on the twelfth day of  
 January in the year of our Lord one thousand seven hundred and eighty-eight, by a  
 certain other indenture then made between the said Edmond Mandeville by the name  
 and description of Edmond Mandeville late of Callan in the County of Kilkenny but  
 then of the City of Waterford, Gentleman, of the first part, and the said Samuel Aickin  
 by the name and description of Samuel Aickin of the City of Dublin, Gentleman, of the  
 second part, and Arthur O'Neal of the City of Waterford, Merchant, of the third part,  
 and to the Jurors aforesaid also in evidence shewn, in consideration of the sum of ten  
 shillings to the said Edmond Mandeville by the said Samuel Aickin then paid, he the  
 said Edmond Mandeville granted, bargained, sold, released and confirmed unto the said  
 Samuel Aickin then being in his possession as aforesaid, the lands and premises aforesaid  
 in the declaration mentioned, and all the estate, right, title, interest, trust, property,  
 claim and demand whatsoever, at law or in equity of him the said Edmond Mandeville,  
 of, in, to or out of the same towns, lands, tenements, hereditaments and premises, or  
 any and every part and parcel thereof, to have and to hold the said towns, lands,  
 tenements, hereditaments and premises, with their and every of their appurtenances, unto  
 the said Samuel Aickin and his assigns, during the life of him the said Edmond Mandeville,  
 to the intent and purpose that the said Samuel Aickin might be and become a perfect  
 tenant to the freehold of the said lands, tenements and premises, to the end that one  
 or more good and perfect common recovery or recoveries might be had and suffered of said  
 lands and tenements, and that it was thereby declared and agreed upon, by and between the  
 said parties, that from and after suffering and perfecting the said common recovery, the said  
 recovery and all and every other common recovery and recoveries, fines, conveyances and  
 assurances in the law whatsoever, had, made, levied, suffered or executed, or thereafter to  
 be had, made, levied, suffered or executed of the said lands and tenements, or any part  
 thereof, by or between the parties to the said indenture, or any of them, or whereunto  
 they or any of them were or should be parties or privies should enure, and the recoverer  
 in the said recovery named or to be named, and his heirs should stand and be seised  
 of the said premises, and of every of them, and of every part and parcel thereof, to the  
 sole and only use and behoof of the said Edmond Mandeville, his heirs and assigns for  
 ever, and to and for no other use, trust, intent or purpose whatsoever, by virtue whereof  
 the

By virtue whereof said  
S. Aickin became seised  
of said premises.

the said Samuel Aickin became and was seised of the tenements aforesaid, in the declaration aforesaid mentiond, as the law requires.

Hilary 1788, fine levied  
of said undivided third  
part.

Fine.

AND the said Jurors upon their said oaths further say, that afterwards to wit, in Hilary Term in the twenty-eighth year of the reign of our said Lord the King, the said Edmond Mandeville being seised as aforesaid, a certain fine was levied of the said one undivided third part of said lands and premises in the declaration mentioned, in the court of our Lord the King, before Hugh Carleton, Esquire, Robert Hellen, Esquire, Thomas Kelly, Esquire, and Alexander Crookshank, Esquire, justices of the Bench, at the King's Courts; which said fine is in the words and figures following, to wit, County of Kilkenny to wit, this is the final agreement made in the court of the Lord the King, at the King's Courts, on the octave of Saint Hilary, in the twenty-eighth year of the reign of George the Third, by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith and soforth; and afterwards allowed and recorded in Easter Term, in the said twenty-eighth year of the reign of the said King, before Hugh Carleton, Esquire, Robert Hellen, Esquire, Thomas Kelly, Esquire, and Alexander Crookshank, Esquire, justices, and others of the said Lord the King's faithful subjects then there present, between Samuel Aickin of the city of Dublin, Gentleman, Plaintiff, and Edmond Mandeville, late of Callan in the county of Kilkenny, but now of the city of Waterford, Gentleman, Deforciant, of one undivided third part, the whole into three equal parts to be divided, of forty messuages, forty cottages, forty gardens, five mills, five pidgeon-houses, three hundred acres of arable land, three hundred acres of meadow, three hundred acres of wood and underwood, one hundred acres of furze and heath, and one hundred acres of moor and marsh, with the appurtenances, in all that and those the towns and lands of Courtnaboully, otherwise Courtnabolly, otherwise Courtneboely, Mallardstown, otherwise called Butler's part of Mallardstown, and several houses, gardens, lands, cabbins, plots of ground and tenements, in the town and liberties of Callan, otherwise called the Burgagery Lands, situate, lying and being in the county of Kilkenny aforesaid; whereupon a plea of covenant was summoned between them in the same court, to wit, that the said Edmond hath acknowledged the one undivided third part of the whole, into three equal parts to be divided, of the tenements aforesaid with the appurtenances, to be the right of him the said Samuel, as those which the said Samuel hath of the gift of the said Edmond, and the same he hath remised and quitted claim from him the said Edmond and his heirs, to him the said Samuel and his heirs for ever; and moreover the said Edmond hath granted for himself and his heirs, that they will warrant to the said Samuel and his heirs, the one undivided third part, the whole into three equal parts to be divided, of the tenements aforesaid with the appurtenances, against him the said Edmond, and his heirs for ever, and for this recognition, remise, quit claim, warranty, fine and agreement, the said Samuel hath given to the said Edmond, one sparrow hawk.

25th January, 1788,  
O'Neil prosecuted his writ  
of entry de seizen against  
Aickin;

by which writ he demand-  
ed against said Aickin said  
undivided third part;

AND the jurors aforesaid upon their oath aforesaid, further say, that the said Samuel Aickin being so seised, the said Arthur O'Neil, on the twenty-fifth day of January in the twenty-eighth year of the reign of our said now Lord the King, out of the Court of Chancery of our Lord the now King, prosecuted against the said Samuel Aickin by the name of Samuel Aickin of the city of Dublin, Gentleman, a certain writ of the said Lord the King of entry *de seizen en le post*, returnable before the justices of our said Lord the King of the Bench at Dublin, on the purification of the blessed Virgin Mary then next following; by which said writ the said Arthur O'Neill demanded against the said Samuel Aickin the lands and tenements aforesaid, by the name of one undivided third part, the whole into three equal parts to be divided, of forty messuages, forty cottages, forty gardens, five mills, five pidgeon-houses, three hundred acres of arable land, three hundred acres of meadow, three hundred acres of wood and underwood, one hundred acres of furze and heath, and one hundred acres of moor and marsh, with the appurtenances, in all that and those the towns and lands of Courtnaboully, otherwise Courtnabolly, otherwise Courtneboely, Mallardstown, otherwise called Butler's part of Mallardstown, and several houses, gardens, lands, cabbins, plots of ground and tenements, in the town and liberties of Callan, otherwise called the Burgagery Lands, situate, lying and being in the county of Kilkenny aforesaid, as his right and inheritance, and into which the said Samuel hath not entry until after *de seizen*, which Hugh Blake thereof unjustly and without judgment made to the said Arthur, within twenty years then last past; and whereupon he said that he himself was seised in his demesne as of fee and right in the time of peace, in the time of the said Lord the King, by taking the profits thereof to the value and soforth, and wherein and soforth, and wherefore he brought his suit and soforth; and the said Samuel personally came and defended his right, when and soforth, and thereupon called to warranty the said Edmond Mandeville, who was then personally present in Court, and freely warranted the said third part with the appurtenances, and soforth; and thereupon the said Arthur demanded against the said Edmond Mandeville, tenant by his warranty, the said third part with the appurtenances, in form aforesaid, and soforth; and whereupon he said he was seised of the said third part, with the appurtenances in his demesne as of fee and right in the time of peace, in the time of the present Lord the King, by taking the profits thereof to the value and soforth, and wherein and soforth, and therefore he brought his suit and soforth; and the said Edmond, tenant by his warranty, defended his right when and soforth, and thereupon further called to warranty Thomas Blake, who was then like-

said Aickin vouched to  
warranty said Edmond;

said Edmond vouched to  
warranty Thomas Blake;

wife

Issue tendered by Thomas.

Impar lance.

Judgement.

Writ of seizen.

Return.

by virtue whereof said Arthur entered and became seised.

Samuel Aickin in the deeds and fine named, and Samuel Aickin the tenant to the præcipe, the same person. As also Edmond Mandeville in said deeds and fine and in said recovery named.

Said Edmond Mandeville being so seised, died 7th of May 1790, leaving no issue living, but leaving Defendant enfiest of a daughter, now the heiress of said Edmond.

Said Edmond after the death of said James Butler paid some of his debts and legacies.

The Earl of Carrick in the declaration and in said will named, the same person.

29th November 1790, claim entered on said fine by Lord Carrick.

Claim.

28th December 1790, actual entry on the premises by Lord Carrick to avoid said fine.

Seisin of Lord Carrick by said entry.

28th December 1790, Lord Carrick by lease demised the said premises to said John Cronyn for 15 years reserving 350l. yearly rent.

wife personally present in Court, and freely warranted the said third part with the appurtenances to him, and so forth; and thereupon the said Arthur demanded against the said Thomas, tenant by his warranty, the third part with the appurtenances, in form aforesaid, and so forth; and whereupon he said that he was seised of the said third part, with the appurtenances in his demesne as of fee and right in the time of peace, in the time of the present Lord the King, by taking the profits thereof, to the value and so forth, and wherein and so forth, and brought his suit and so forth; and the said Thomas, tenant by his warranty, defended his right when and so forth, and said that the said Hugh did not disseize the said Arthur of the said third part with the appurtenances, as the said Arthur by his said writ and declaration above supposed, and of this he puts himself on the County, and so forth; and the said Arthur prayed leave to imparle, and he had it and so forth; and afterwards the said Arthur came again personally into Court the same Term, and the said Thomas (though solemnly required,) came not again but departed in contempt of the Court, and made default, therefore it was considered by the said Court that the said Arthur should recover against the said Samuel, full seisin of the said third part with the appurtenances, and that the said Samuel should have of the land of the said Edmond to the value and so forth; and that the said Edmond should have of the land of the said Thomas, to the value and so forth; and the said Thomas in mercy and so forth; and thereupon the said Arthur prayed a writ of the Lord the King, to be directed to the Sheriff of the County of Kilkenny aforesaid, to cause full seizen of the said third part with the appurtenances, to be delivered to him, and it was granted to him, returnable in fifteen days from Easter day then next, at which day before the said Justices, came the said Arthur personally, and the said Sheriff, namely Richard Ball, Esquire, then returned that he by virtue of the said writ to him directed on the twenty-sixth of February then last past, caused full seisin of the said third part, with the appurtenances, to be delivered to the said Arthur, as by the said writ he was commanded; by virtue whereof the said Arthur into the lands and tenements aforesaid entered, and became seised as the law requires.

AND the said jurors upon their said oaths further say, that Samuel Aickin in the said deeds and fine named, and Samuel Aickin the tenant to the præcipe in the said recovery, were one and the same person, and also that the said Edmond Mandeville in the said deeds and fine named, and Edmond Mandeville in the said recovery named, were one and the same person.

AND the jurors aforesaid on their oaths aforesaid further say, that the said Edmond Mandeville being so seised of the aforesaid lands and premises, died on the seventh of May one thousand seven hundred and ninety, leaving no issue living, but leaving the Defendant enfiest of a daughter, who was since born, to wit, Mary Frances, who is now living, and is the heiress at law of the said Edmond Mandeville.

AND the said jurors upon their oaths further say, that the said Edmond Mandeville in his life-time and after the death of the said James Butler, paid some of the debts of the said James Butler, and some of his legacies.

AND the said jurors aforesaid upon their said oaths further say, that the said Henry-Thomas Earl of Carrick in the declaration named, and the Right Honourable Lord Carrick in the will and testament aforesaid of the said James Butler named, is one and the same person.

AND the jurors aforesaid further upon their oaths say, that the said Henry-Thomas Earl of Carrick afterwards to wit, on the twenty-ninth day of November, as of Michaelmas Term in the thirty first year of the reign of the said Lord the now King, entered a claim on said fine, which is in the words and figures following, to wit.

" Of Michaelmas Term in the thirty-first year of the reign of King George the Third, and so forth. County of Kilkenny, to wit. Be it remembered, that on the twenty-ninth day of November in the thirty-first year of the reign of our Lord George the Third, King of Great Britain and so forth, the Right Honourable Henry-Thomas Earl of Carrick by John Greene his Attorney, came here into Court and entered his claim to the within fine levied in the Court of the said Lord the King, on the octave of Saint Hilary in the twenty-eighth year of the reign of the said King, between Samuel Aickin of the city of Dublin, deforciant, for all the messuages, lands and tenements, with the appurtenances in the said fine specified, and it is granted to him by the Court and so forth. John Greene, Attorney for the claimant."

AND the said jurors upon their said oaths further say, that afterwards on the twenty-eighth day of December one thousand seven hundred and ninety, the said Henry Thomas Earl of Carrick made an actual entry on the said towns, lands and premises in the declaration mentioned to avoid the said fine, and became seised of said towns, lands and premises as the law requireth.

AND the said jurors upon their said oaths further say, that afterwards to wit, on the twenty-eighth day of December one thousand seven hundred and ninety, the said Henry-Thomas Earl of Carrick being seised as aforesaid, at Callan aforesaid in the county of Kilkenny

kenny aforesaid, by indenture of lease by him duly signed, sealed and executed, to the jurors in evidence shewn, demised, granted, and to farm let to the aforesaid John Cronyn the towns, lands and premises in the declaration mentioned, to have and to hold the said demised premises, with the rights, members and appurtenances thereunto belonging or in any wise appertaining unto the said John Cronyn, his executors, administrators and assigns, from the first day of November then last, for and during the term, time and space of fifteen years from thenceforth next ensuing, fully to be compleated and ended, yielding and paying therefore and thereout yearly and every year during the said term unto the said Henry Thomas Earl of Carrick, his heirs and assigns, the yearly rent or sum of three hundred and fifty pounds sterling, to be paid by equal portions and half yearly payments, on every first day of May and first day of November in each and every year during the term thereby granted, over and above all taxes, charges and impositions whatsoever (quit-rent and crown-rent excepted).

By virtue of the demise John Cronyn entered and became possessed of the said premises.

Said Cronyn being so possessed, demised said premises to Robert Lackey for seven years.

By virtue of which Robert Lackey entered and became possessed of said premises.

AND the said jurors upon their said oaths further say, that by virtue of said demise the said John Cronyn entered into said towns, lands and premises, and became possessed of said towns, lands and premises as the law required, and being so possessed thereof, afterwards to wit, on the third day of January one thousand seven hundred and ninety-one, at Callan aforesaid in the County of Kilkenny aforesaid, the said John Cronyn demised, granted, set and to farm-let, the said towns, lands and premises to the said Robert Lackey, to have and to hold said towns, lands and premises to the said Robert Lackey and his assigns, from the said third of January one thousand seven hundred and ninety-one, for and during the term of seven years next ensuing, and that by virtue of said last mentioned demise the said Robert Lackey afterwards to wit, on the fourth day of January one thousand seven hundred and ninety-one, entered into said towns, lands and premises, and became possessed of said towns, lands and premises as the law required.

5th January 1791, said Mary Mandeville entered upon the possession of said Robert Lackey and ejected him.

Question for the opinion of the Court.

AND the said jurors upon their said oaths further say, that the said Mary Mandeville afterwards to wit, on the fifth day of January one thousand seven hundred and ninety-one, at Callan aforesaid, with force and arms entered into the said towns, lands and premises, in and upon the possession of the said Robert Lackey, and him the said Robert Lackey from his said farm, his said term therein not yet ended, ejected, drove out and removed, as the said Robert Lackey within complaineth against her; but whether upon the whole of the matter aforesaid, above found in form aforesaid, the said Mary Mandeville is guilty in law of the trespass and ejectment aforesaid or not, the said jurors are entirely ignorant and pray the advice of the Court here; and if upon the whole matter aforesaid found in form aforesaid it shall seem to the Court here that the said Mary Mandeville is guilty in law of the trespass and ejectment within written, then the said jurors say upon their said oaths that the said Mary Mandeville is guilty of the said trespass and ejectment as the said Robert Lackey above complaineth against her, and they assess the damages of the said Robert Lackey on that occasion besides his costs and charges expended by him about his suit in this behalf, to six pence; and for those costs and charges to forty shillings; and if upon the whole matter aforesaid above found in form aforesaid, it shall seem to the Court here that the said Mary Mandeville is not guilty in law of the trespass and ejectment aforesaid, then the said jurors say upon their said oaths that the said Mary Mandeville is not guilty of the trespass and ejectment aforesaid as she within in pleading for herself hath alledged, and they assess the costs of the said Mary to six pence and soforth.

Continuances.

Trinity 1791.

BUT because the Court of the said Lord the King is willing to advise before it gives judgment of and upon the premises, a day therefore is given to the parties aforesaid before the Lord the King at the King's Courts, until Friday next after the Morrow of the Holy Trinity, to hear judgment of and upon the premises, because the Court of the said Lord the King now here are not yet thereof, and soforth.

Like.

Michaelmas 1791.

AT which day, before the Lord the King, at the King's Courts, come the aforesaid parties by their said Attornies; but because the Court of the Lord the King is willing to advise before it gives judgment of and upon the premises, a day therefore is given to the parties aforesaid before the Lord the King at the King's Courts, until Monday next after the Morrow of All Souls, to hear judgment of and upon the premises, because the Court of the said Lord the King now here are not yet thereof, and soforth.

Like.

Hilary 1792.

AT which day, before the Lord the King at the King's Courts, come the parties aforesaid by their said Attornies; but because the Court of the Lord the King is willing to advise before it gives judgment of and upon the premises, a day therefore is given to the parties aforesaid before the Lord the King at the King's Courts, until Monday next after the Octave of Saint Hilary, to hear judgment of and upon the premises, because the Court of the said Lord the King now here are not yet thereof, and soforth.

Like.

Easter 1792.

AT which day, before the Lord the King at the King's Courts come the parties aforesaid by their said Attornies; but because the Court of the Lord the King is willing to advise before it gives judgment of and upon the premises, a day therefore is given to the parties aforesaid before the Lord the King at the King's Courts, until Wednesday next after fifteen days from the Feast of Easter, to hear judgment of and upon the premises, because the Court of the said Lord the King now here are not yet thereof, and soforth.

AT

- Like. AT which day, before the Lord the King at the King's Courts, come the parties afore-  
said by their said Attornies; but because the Court of the Lord the King is willing to  
advise before it gives judgment of and upon the premises, a day therefore is given to the  
parties afore said before the Lord the King at the King's Courts, until Friday next after  
the Morrow of the Holy Trinity, to hear judgment of and upon the premises, because the  
Court of the said Lord the King now here are not yet thereof, and soforth.
- T. 1792.
- Like. AT which day before the Lord the King at the King's Courts, come the parties afore-  
said by their said Attornies, but because the Court of the Lord the King is willing to  
advise before it gives judgment of and upon the premises, a day therefore is given to  
the parties afore said before the Lord the King at the King's Courts, until Tuesday next  
after the morrow of All Souls, to hear judgment of and upon the premises, because the  
Court of the said Lord the King now here, are not yet thereof and soforth.
- M. 1792.
- Like. AT which day before the Lord the King at the King's Courts, come the parties afore said, by  
their said Attornies, but because the Court of the Lord the King is willing to advise before  
it gives judgment of and upon the premises, a day therefore is given to the parties afore-  
said before the Lord the King at the King's Courts, until Wednesday next after the octave  
of Saint Hilary, to hear judgment of and upon the premises, because the Court of the  
said Lord the King now here, are not yet thereof and soforth.
- H. 1793.
- Like. AT which day before the Lord the King at the King's Courts, come the afore said par-  
ties by their said Attornies, but because the Court of the Lord the King is willing to  
advise before it gives judgment of and upon the premises, a day therefore is given  
to the parties afore said, before the Lord the King at the King's Courts, until Wednesday  
next after fifteen days from the Feast of Easter, to hear judgment of and upon the pre-  
mises, because the Court of the said Lord the King now here, are not yet thereof and soforth.
- E. 1793.
- Like. AT which day before the Lord the King, at the King's Courts, come the parties  
afore said by their said Attornies, but because the Court of the Lord the King is wil-  
ling to advise before it gives judgment of and upon the premises, a day therefore is given  
to the parties afore said before the Lord the King, at the King's Courts, until Friday  
next after the morrow of the Holy Trinity, to hear judgment of and upon the premises,  
because the Court of the said Lord the King now here, are not yet thereof and soforth.
- T. 1793.
- Like. AT which day before the Lord the King at the King's Courts, come the parties afore-  
said by their said Attornies, but because the Court of the Lord the King is willing to  
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the parties afore said, before the Lord the King at the King's Courts, until Wednesday  
next after the morrow of All Souls, to hear judgment of and upon the premises, because  
the Court of the said Lord the King now here, are not yet thereof and soforth.
- M. 1793.
- Like. AT which day before the Lord the King at the King's Courts, come the parties afore-  
said by their said Attornies, but because the Court of the Lord the King is willing  
to advise before it gives judgment of and upon the premises, a day therefore is given  
to the parties afore said before the Lord the King at the King's Courts, until Thursday  
next after the octave of Saint Hilary, to hear judgment of and upon the premises, because  
the Court of the said Lord the King now here, are not thereof and soforth.
- H. 1794.
- Like. At which day before the Lord the King at the King's Courts, come the parties afore-  
said by their said Attornies, but because the Court of the Lord the King is willing to  
advise before it gives judgment of and upon the premises, a day therefore is given to  
the parties afore said before the Lord the King at the King's Courts, until Wednesday next  
after fifteen days from the Feast of Easter, to hear judgment of and upon the premises,  
because the Court of the said Lord the King now here are not yet thereof and soforth.
- E. 1794.
- Like. AT which day before the Lord the King at the King's Courts come the parties afore said  
by their said Attornies, but because the Court of the Lord the King is willing to advise  
before it gives judgment of and upon the premises, a day therefore is given to the par-  
ties afore said before the Lord the King at the King's Courts, until Friday next after  
the morrow of the Holy Trinity, to hear judgment of and upon the premises, because the  
Court of the said Lord the King now here, are not yet thereof and soforth.
- T. 1794.
- Like. AT which day before the Lord the King at the King's Courts, come the parties afore-  
said by their said Attornies, but because the Court of the Lord the King is willing to  
advise before it gives judgment of and upon the premises, a day therefore is given to the  
parties afore said before the Lord the King at the King's Courts, until Thursday next  
after the morrow of All Souls, to hear judgment of and upon the premises, because the  
Court of the said Lord the King now here are not yet thereof and soforth.
- M. 1794.
- Like. AT which day before the Lord the King at the King's Courts, come the parties afore said by  
their said Attornies, but because the Court of the Lord the King is willing to advise  
before it gives judgment of and upon the premises, a day therefore is given to the par-  
ties afore said before the Lord the King at the King's Courts, until Friday next after the  
octave of Saint Hilary, to hear judgment of and upon the premises, upon which all and  
singular the premises being seen, and by the Court of the said Lord the King here, more fully  
understood,
- H. 1795.

Opinion of the Court of  
King's Bench.

understood, and upon mature deliberation thereof being had, it appears to the Court of the Lord the King here, that the said Mary Mandeville is guilty of the trespass and ejectment of a farm, in manner and form as the said Robert Lackey by his said bill complained.

Judgment of the Court  
of King's Bench.

IT is therefore considered, that the said Robert Lackey do recover against the said Mary Mandeville his said terms yet to come of, and the said demised premises with the appurtenances, and his damages.

WHEREUPON the Sheriff of the county of Kilkenny is commanded, that without delay he cause the said Robert Lackey to have his possession of his said terms yet to come and unexpired, of and in the said demised premises with the appurtenances, and in what manner and soforth, he should make appear before the Lord the King at the King's Courts, on Wednesday next after fifteen days from the Feast of Easter from thence next ensuing, and soforth.

Exd. by ROBERT HAMILTON, Deputy Prothonotary.

A true Copy, 23d February, 1795.

JOHN GAYER, D. Cler. Parl.

Assignment of Errors.

AND afterwards, to wit, on the twenty-sixth day of February in the thirty-fifth year of the reign of our Sovereign Lord George the Third, King of Great Britain and soforth, before our said Lord the King and the Lords Spiritual and Temporal in the present Parliament assembled, comes the said Mary Mandeville in her proper person, and says, that in the record and proceedings aforesaid, and in the rendition of the judgment aforesaid, there is manifest error, in this, for that the judgment of said Court of King's Bench is given for the said Robert Lackey as lessee of the Right Honourable Henry Thomas Earl of Carrick, and also lessee of John Cronyn, whereas by the law of the land the judgment of the said Court of King's Bench ought to have been pronounced in favour of the said Mary Mandeville; and the said Mary prays that the judgment aforesaid and others in the record and proceedings aforesaid may be reversed, annulled and altogether held as a nullity, and that she may be restored to all whatsoever she has lost by occasion of the judgment aforesaid.

Rejoinder.

AND the said Robert Lackey by John Greene his Attorney, comes here into Court, and having heard the errors aforesaid saith, that there is no error either in the record and proceedings aforesaid, or in the rendering of the judgment aforesaid; and the said Robert Lackey therefore prays that the said record and proceedings and the matters above assigned for error may be examined, and that the judgment aforesaid may be in all things affirmed.

# HOUSE OF LORDS.

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Mary Mandeville, Widow of } Plaintiff in  
Edmond Mandeville, } Error.

Robert Lackey, Lessee of the }  
Right Honourable Henry- }  
Thomas Earl of Carrick, } Defendant.  
and also Lessee of John }  
Cronyn, } - -

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COPY of a WRIT OF ERROR of the third of  
February, one thousand seven hundred and ninety-  
five, and the whole RECORD as sent up from  
the Court of King's Bench; the Plaintiff's assign-  
ment of Errors and the Defendant's joinder in Er-  
ror, as now before Parliament.

To be heard at the Bar of the House of Lords, on  
Friday the 1st of May 1795.

TIM. O'BRIEN, Attorney for Plaintiff in Error.

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